

PATENT

REMARKS

Independent claim 46 has been rewritten to incorporate the limitations of dependent claim 53, which should now place this claim in condition for allowance.

Independent claim 51 has been rewritten to incorporate the limitations of dependent claim 54, which should now place this claim in condition for allowance.

As independent claims 46 and 51 are allowable, the remaining dependent claims are in condition for allowance as well.

In the most recent Office action, and as it relates to independent claim 46, the Examiner has admitted that Pipkins does not explicitly teach either step (d) or step (e). (Office action, at page 5). This is correct. (The same admission applies with equal weight to the corresponding code elements in independent claim 51). Nevertheless, the Examiner has maintained the obviousness rejection on grounds that one of ordinary skill in the art would have been motivated to derive this subject matter in view of the Pipkins art. Respectfully, this contention is incorrect; thus, the rejection of claims 46 and 51 (as presented on October 25, 2005) remains traversed. In particular, without an express teaching of steps (d) and (e) in either Pipkins or some other art (or the knowledge of one of ordinary skill generally) - and there is none - the conclusion that Pipkins renders the subject matter as a whole of either claim 46 or 51 obvious is an impermissible hindsight reconstruction of the invention based on the applicant's disclosure.

Nevertheless, to advance to a close this already lengthy prosecution, each of claims 46 and 51 has been amended as set forth above.

A Notice of Allowance is respectfully requested.

The undersigned has previously submitted a Change of Correspondence Address; nevertheless, the Office is continuing to mail papers to an outdated address. Another form is submitted herewith. The Office is again requested to enter this address change.

PATENT

Respectfully submitted,



By: _____

David H. Judson, Reg. No. 30,467

ATTORNEY FOR APPLICANTS